

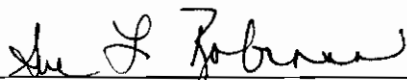
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In Re:) Chapter 11
FLEMING COMPANIES INC.,) Case No. 03-10945 (MFW)
et al.,) (Jointly Administered)
)
Debtors.)
)
POST CONFIRMATION TRUST,)
)
Plaintiffs,)
)
v.) Civ. No. 07-436-SLR
)
RICHARD J. ADAMCIK,)
DAVID MILSTEAD, and MICHAEL D.)
MARTIN, SR.,)
)
Defendants.)

ORDER

At Wilmington this 10th day of August, 2007, having reviewed plaintiff's motion to withdraw the reference pursuant to 28 U.S.C. § 157(d);

IT IS ORDERED that said motion (D.I. 1) is denied without prejudice to renew when the case is ready for trial. More specifically, the bankruptcy judge assigned to this adversary proceeding shall manage the discovery process and any motion practice. A renewed motion for withdrawal of the reference will be considered only when the parties (through stipulation) or the bankruptcy judge (through a decision) identify the genuine issues of material fact which should be tried to a jury.


United States District Judge